

# COMMITTEE AMENDMENT FORM

DATE: 03/27/ 07

COMMITTEE      CITY UTILITIES

PAGE NUM. (S) 1

ORDINANCE I. D. #07-O-0451

SECTION (S)

RESOLUTION I. D. #07-R-

PARA. CAPTION

AMENDS THE LEGISLATION BY INSERTING THE FOLLOWING  
LANGUAGE AFTER "SECTION 32-3-4;" IN THE CAPTION OF THE  
ORDINANCE; "TO AUTHORIZE THE WAIVER OF SECTIONS 2-  
1541 (d), 2-1542 AND 2-1545 (d) OF THE CODE OF ORDINANCES;"

AMENDMENT DONE BY COUNCIL STAFF 03/27/07

BY CITY UTILITIES COMMITTEE

**AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF CONSTRUCTION AND ROADWAY IMPROVEMENTS FOR THE JESSE HILL BRIDGE (BUTLER STREET BRIDGE), POWERS FERRY ROAD BRIDGE, MITCHELL STREET BRIDGE, AND PIEDMONT AVENUE BRIDGE; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE WAIVER OF SECTIONS 2-1541(d), 2-1542 AND 2-1545(d) OF THE CODE OF ORDINANCES; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.**

**WHEREAS**, it is necessary to acquire permanent and temporary construction easements and necessary rights-of-way from various property owners for the purpose of construction and roadway improvements for the Jesse Hill Bridge (Butler Street Bridge), Powers Ferry Road Bridge, Mitchell Street Bridge, and Piedmont Avenue Bridge; and

**WHEREAS**, state law, O.C.G.A. 32-3-4 authorizes the use of Declaration of Taking as a method of condemnation whenever a municipality desires to take private property for public road purposes or for any other public transportation purposes; and

**WHEREAS**, use of Declaration of Taking as a method of condemnation would expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involve construction and roadway improvements; and

**WHEREAS**, state law requires a finding by a municipality that circumstances necessitate the use of Declaration of Taking before such method of condemnation can be used by a municipal government; and

**WHEREAS**, in order to complete the proposed construction and roadway improvements in a timely fashion the requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of city council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance, are waived.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS, as follows:**

**SECTION 1:** That the Chief Procurement Officer or authorized designee is hereby authorized to negotiate with the affected property owners to acquire temporary or permanent construction easements and the necessary rights-of-way, and other related property interests necessary to complete construction improvements on the Jesse Hill Bridge (Butler Street Bridge), Powers Ferry Road Bridge, Mitchell Street Bridge, and Piedmont Avenue Bridge.

**SECTION 2:** That the Declaration of Taking as a method of condemnation be utilized to expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involve construction and roadway improvements.

**SECTION 3:** That in order to complete the proposed projects in a timely fashion the requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance, are waived.

**SECTION 4:** That the Chief Procurement or authorized designee is hereby authorized to obtain reports, appraisal reports, land surveys, legal descriptions, environmental reports, and to negotiate with the affected property owners.

**SECTION 5:** That when the Chief Procurement Officer's negotiations with the owners are unsuccessful, to institute necessary legal action through condemnation or any other method provided by law to acquire the property interests needed to complete the Jesse Hill Bridge (Butler Street Bridge), Powers Ferry Road Bridge, Mitchell Street Bridge, and Piedmont Avenue Bridge construction and roadway improvements.

**SECTION 6:** That the City of Atlanta's outside consultants and their sub consultants are authorized to settle those acquisitions of property at an amount not to exceed ten percent (10%) above the estimated just compensation.

**SECTION 7:** That the Chief Procurement Officer is authorized to administratively settle, without further authorization of city council, those acquisitions which exceed these limitations which the City of Atlanta's consultants cannot otherwise acquire. However, in no event shall the Chief Procurement Officer's authority to administratively negotiate or settle such acquisitions without council authorization exceed twenty percent (20%) above the estimated just compensation of affected properties.

**SECTION 8:** That the City Attorney is authorized to engage the services of outside counsel, where necessary, to handle condemnation proceedings, without further authorization from city council. The provisions of Section 2-1542 requiring further authorization for condemnations are hereby waived.

**SECTION 9:** That the City Attorney, or her designee, is authorized to monitor and supervise the closing transactions with affected property owners in connection with these construction and roadway improvements, with the assistance of the City of Atlanta's consultants and sub-consultants.

**SECTION 10:** That all costs associated with this ordinance shall be charged to and paid from Fund, Account, and Center numbers: 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F075792BH Jesse Hill (Butler Street Bridge); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F075392BH (Piedmont Rd Bridge); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F071392BH (Powers Ferry Bridge Replacement); 1C28 (General Gov't Capital Outlay Fund) 574001 (Fac Other Than Buildings) M65F04139985 (Mitchell Street Bridge); 1C33 (1994 Referendum G.O. Bond Fund) 574001 (Fac Other Than Buildings) M65F041392BA (Mitchell Street Bridge); 1C34 (1994 Bond Project Fund) 574001 (Fac Other Than Buildings) M65F041392BA (Mitchell Street Bridge); 1C37 (1996 G.O. Public Improvement Bond Part B) 574001 (Fac Other Than Buildings) M65F041392BA (Mitchell Street Bridge).

**AN ORDINANCE  
BY CITY UTILITIES COMMITTEE**

**07- 0 -0451**

**AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF CONSTRUCTION AND ROADWAY IMPROVEMENTS FOR THE JESSE HILL BRIDGE (BUTLER STREET BRIDGE), POWERS FERRY ROAD BRIDGE, MITCHELL STREET BRIDGE, AND PIEDMONT AVENUE BRIDGE; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.**

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**WHEREAS**, use of Declaration of Taking as a method of condemnation would expedite the acquisition of easement rights and possession of property interests necessary for the timely completion of these projects which involve construction and roadway improvements; and

**WHEREAS**, state law requires a finding by a municipality that circumstances necessitate the use of Declaration of Taking before such method of condemnation can be used by a municipal government; and

**WHEREAS**, in order to complete the proposed construction and roadway improvements in a timely fashion the requirements of Sections 2-1541 (d) and 2-1545 (d) of the Procurement and Real Estate Code, which require further authorization of city council for acquisition of permanent and temporary easements and necessary rights-of-way described in this ordinance, are waived.

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**Part II: Legislative White Paper:**

**Committee of Purview:**

**Caption:** AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF CONSTRUCTION AND ROADWAY IMPROVEMENTS FOR THE JESSE HILL BRIDGE (BUTLER STREET BRIDGE), POWERS FERRY ROAD BRIDGE, MITCHELL STREET BRIDGE, AND PIEDMONT AVENUE BRIDGE; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

**Council Meeting Date:** March 19, 2007

**Requesting Dept.:** Public Works

**B. To be completed by the department :**

**1. Please provide a summary of the purpose of this legislation (Justification Statement).**

The purpose of this legislation is to receive ordinance that authorizes the Department of Public Works to purchase right of way for these bridges.

**2. Please provide background information regarding this legislation.**

The bridges have been designed or are being designed by GDOT except Powers Ferry Road which is designed by SHAW-AIM, JV, an A/E and ROW would be required to construct the projects.

**3. If Applicable/Known:**

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** SHAW-AIM, JV
- (b) **Source Selection:** Annual A/E Consultants
- (c) **Bids/Proposals Due:**
- (d) **Invitations Issued:**



- (e) Number of Bids:
- (f) Proposals Received:
- (g) Bidders/Proponents:
- (h) Term of Contract:

**4. Fund Account Center:** 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F075792BH Jesse Hill (Butler Street) Bridge); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F075392BH (Piedmont Rd Bridge); 1C50 (2004 Quality of Life Bond Fund) 574001 (Fac Other Than Buildings) M65F071392BH (Powers Ferry Bridge Replacement); 1C28 (General Gov't Capital Outlay Fund) 574001 (Fac Other Than Buildings) M65F04139985 (Mitchell Street Bridge); 1C33 (1994 Referendum G.O. Bond Fund) 574001 (Fac Other Than Buildings) M65F041392BA (Mitchell Street Bridge); 1C34 (1994 Bond Project Fund) 574001 (Fac Other Than Buildings) M65F041392BA (Mithcell Street Bridge) 1C37 (1996 G.O. Public Improvement Bond Part B) 574001 (Fac Other Than Buildings) M65F041392BA. (Mitchell Street Bridge).

**5. Source of Funds:** *Example: Local Assistance Grant*

**6. Fiscal Impact:**

**7. Method of Cost Recovery:**

**This Legislative Request Form Was Prepared By:** IDE OKOKON, PE

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature): Nikki Turner

Contact Number: x 6001

Originating Department: Public Works

Committee(s) of Purview: City Utilities

Council Deadline: February 26, 2007

Committee Meeting Date(s): March 13-14, 2007 Full Council Date: March 19, 2007.

Commissioner Signature [Signature]

**CAPTION**

AN ORDINANCE AUTHORIZING THE PURCHASE AND ACQUISITION OF PERMANENT AND TEMPORARY CONSTRUCTION EASEMENTS AND THE NECESSARY RIGHTS-OF-WAY FROM VARIOUS PROPERTY OWNERS FOR THE PURPOSE OF CONSTRUCTION AND ROADWAY IMPROVEMENTS FOR THE JESSE HILL BRIDGE (BUTLER STREET BRIDGE), POWERS FERRY ROAD BRIDGE, MITCHELL STREET BRIDGE, AND PIEDMONT AVENUE BRIDGE; TO AUTHORIZE THE MAYOR TO NEGOTIATE WITH AFFECTED PROPERTY OWNERS AND TO USE ALL MEANS NECESSARY TO ACQUIRE NECESSARY PROPERTY INTERESTS UP TO AND INCLUDING CONDEMNATION PROCEEDINGS; TO AUTHORIZE THE CITY ATTORNEY TO INSTITUTE CONDEMNATION PROCEEDINGS PURSUANT TO THE DECLARATION OF TAKING METHOD AUTHORIZED BY O.C.G.A. SECTION 32-3-4; TO AUTHORIZE THE CITY ATTORNEY TO USE THE SERVICES OF OUTSIDE COUNSEL, WHERE NECESSARY, TO HANDLE CONDEMNATION PROCEEDINGS; AND FOR OTHER PURPOSES.

FINANCIAL IMPACT: n/a

Mayor's Staff Only

Received by Mayor's Office: 3.27.07

(date)

Reviewed by: [Signature]

(date)

Submitted to Council: 3/2/07

(date)